

REMARKS

Claims 1-44 were pending in the present application and rejected. Claims 1, 24, and 44 are amended, and claims 16-19 and 36-39 are canceled. No new matter is added. The rejections are respectfully traversed in light of the following remarks, and reconsideration is requested.

Rejections under 35 U.S.C. § 112

Claims 1-44 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description. In particular, the Examiner states that there is no support for the limitation "the action is based on non-merchant defined rules." This limitation is deleted in the claims. Reconsideration and withdrawal of the rejections are respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (hereinafter Lee) (U.S. 2002/0099649) in view of Official Notice.

The Examiner maintains the rejections over Lee and Official Notice.

Applicant has amended the claims to distinguish over Lee and Official Notice.

In particular, claim 1 is amended to recite that "the action is based on at least the processing queue determined by the credit issuer" and "if further action is needed, determining a verification queue of prioritized verification target consumers at least partially based upon the identifier and performing an action directed to at least one of the verification target consumers and a verification target transaction, wherein the verification queue is dynamically determined and modified in a real-time format and determined based upon a set of predetermined rules directed to at least one of the data fields of at least one of the consumer transaction data set, the central credit issuer database and the identifier." Support for the first

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amendment is found in Applicant's specification, at least, at paragraphs 16 and 17 (describing that the identifier is based on a comparison using a prioritized target transaction from the processing queue, where the processing queue is determined by the credit issuer). Support for the second amendment is found in Applicant's specification, at least, at paragraphs 51-52 and originally filed claims 16-19 and 36-39. Thus, no new matter is added.

For the limitation that "the action is based on at least the processing queue determined by the credit issuer," Applicant contends that Official Notice cannot properly be taken. Arguments from the previous response still apply. In addition, the Examiner cites to Devoe, but Devoe discloses a user setting up and administering usage line of a credit card account. This is clearly different than using a processing queue determined by a credit issuer as a basis for an action presented to a merchant.

For the limitation that "if further action is needed, determining a verification queue of prioritized verification target consumers at least partially based upon the identifier and performing an action directed to at least one of the verification target consumers and a verification target transaction, wherein the verification queue is dynamically determined and modified in a real-time format and determined based upon a set of predetermined rules directed to at least one of the data fields of at least one of the consumer transaction data set, the central credit issuer database and the identifier," Applicant could find no teaching in Lee of such a limitation, especially a verification queue of prioritized verification target consumers. The verification queue prioritizes or ranks verification target consumers for further contact or communication as set forth in paragraph 51.

Therefore, claim 1 is believed patentable over Lee and Official Notice.

Independent claims 24 and 44 have been amended similarly to claim 1. Thus, for reasons similar to claim 1 discussed above, claims 24 and 44 are believed patentable over Lee and Official Notice.

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The remaining claims depend on claims 1 and 24 and are therefore patentable over Lee for at least the same reasons as claims 1 and 24 discussed above.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

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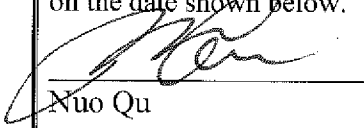
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CONCLUSION

For the foregoing reasons, Applicant believes pending claims 1-15, 20-35, and 40-44 are allowable, and a notice of allowance is respectfully requested. If the Examiner has any questions regarding the application, the Examiner is invited to call the undersigned Attorney at (949) 202-3000.

Certification of Electronic Transmission

I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.


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Respectfully submitted,



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